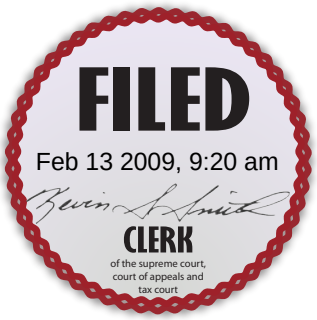

ATTORNEY FOR APPELLANT:

KEVIN WILD
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

JOSEPH DELAMATER
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JEFFREY RAWNSLEY,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0807-CR-646
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Clark Rogers, Judge
Cause No. 49G16-0705-FD-83091

February 13, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

Jeffrey Rawnsley appeals his convictions for criminal confinement as a class D felony and domestic battery as a class D felony. Rawnsley raises one issue, which we restate as whether the evidence is sufficient to sustain his convictions. We affirm.

The facts most favorable to Rawnsley's convictions follow. Rawnsley and Kathleen Lawrence lived together and had four children. On May 10, 2007, Rawnsley and Lawrence were arguing about a cell phone. Lawrence walked into the bedroom and asked Rawnsley where the cell phone was, and Rawnsley jumped out of bed and grabbed Lawrence's foot, pulling her down. Rawnsley pinned Lawrence's arms down with his knees and hit her on the face. Lawrence escaped and ran outside. Rawnsley chased Lawrence outside, picked her up, and slammed her to the ground. Lawrence saw one of the children start to walk outside, so she ran to the porch. Before she reached the child, Rawnsley grabbed her, picked her up, and threw her off the porch onto a rose bush. The altercation then continued inside the house until the police arrived. When the police arrived, Rawnsley said to "go ahead and put him in handcuffs" because he knew he was "going to jail." Transcript at 22.

The State charged Rawnsley with criminal confinement as a class D felony, domestic battery as a class D felony, domestic battery as a class A misdemeanor, and battery as a class A misdemeanor. After a bench trial, the trial court found Rawnsley guilty of criminal confinement as a class D felony and domestic battery as a class D felony. The trial court sentenced Rawnsley to 545 days with 529 days suspended to probation.

On appeal, Rawnsley argues that the evidence is insufficient to sustain his convictions. When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess witness credibility or reweigh the evidence. Id. We consider conflicting evidence most favorably to the trial court's ruling. Id. We affirm the conviction unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." Id. (quoting Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000)). It is not necessary that the evidence overcome every reasonable hypothesis of innocence. Id. at 147. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. Id.

Rawnsley argues that Lawrence's testimony was not credible. However, Rawnsley is merely asking that we assess witness credibility and reweigh the evidence, which we cannot do. Id. at 146. Rawnsley also argues that comments made by the trial court when it found Rawnsley guilty were erroneous. However, "in a criminal case the trial court is not required to make either findings of fact or conclusions of law." Dozier v. State, 709 N.E.2d 27, 30 (Ind. Ct. App. 1999) (citing Nation v. State, 445 N.E.2d 565, 570 (Ind. 1983)). "Thus, the focus of our inquiry is not upon the remarks the trial court makes in a bench trial after having reached the conclusion that a defendant is guilty." Id. "Rather the question is whether the evidence presented to the trial court as fact-finder was sufficient to sustain the conviction." Id.

The offense of criminal confinement is governed by Ind. Code § 35-42-3-3, which provides: "A person who knowingly or intentionally: (1) confines another person without the other person's consent . . . commits criminal confinement . . . a class D felony." The State presented evidence that Rawnsley knocked Lawrence to the ground and pinned her arms down with his knees. We conclude that the State presented evidence of probative value from which the trial court could have found Rawnsley guilty of criminal confinement. See, e.g., Hardley v. State, 893 N.E.2d 1140, 1144 (Ind. Ct. App. 2008) (holding that the evidence was sufficient to sustain the defendant's conviction for criminal confinement where the victim testified that he "'had [her] down with [her] arms up[,]' that she could not move or 'get up[,]' and that 'he had [her] pinned down'").

The offense of domestic battery is governed by Ind. Code § 35-42-2-1.3, which provides: "A person who knowingly or intentionally touches an individual who . . . has a child in common with the other person[] in a rude, insolent, or angry manner that results in bodily injury to the person . . . commits domestic battery." The offense "is a Class D felony if the person who committed the offense . . . committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense." Ind. Code § 35-42-2-1.3(b). Here, the State presented evidence that Rawnsley repeatedly hit Lawrence, with whom he had four children. The children were napping inside the house with the couple during the beginning of the altercation. After Lawrence ran outside, Rawnsley picked her up and threw her twice. On the second occasion, one of the couple's children was on the porch

with them. We conclude that the State presented evidence of probative value from which the trial court could have found Rawnsley guilty of domestic battery as a class D felony. See, e.g., Boyd v. State, 889 N.E.2d 321, 326 (Ind. Ct. App. 2008) (holding that the evidence was sufficient to sustain the defendant's conviction for domestic battery as a class D felony), trans. denied.

For the foregoing reasons, we affirm Rawnsley's convictions for criminal confinement as a class D felony and domestic battery as a class D felony.

Affirmed.

ROBB, J. and CRONE, J. concur